

OFFERED BY COUNCILORS FLYNN AND MURPHY



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY FIVE

ORDINANCE AMENDING CITY OF BOSTON CODE, ORDINANCES, 17-22, ROAD SAFETY AND ACCOUNTABILITY FOR DELIVERY PROVIDERS

WHEREAS, Since the midst of the COVID-19 pandemic, Boston residents subsequently witnessed a proliferation of mopeds and e-bikes on City of Boston streets to provide third-party delivery services for multi-billion dollar companies; *and*

WHEREAS, In 2022, according to a report from the Boston Globe, the city indicated that their goal was for third-party delivery companies to shift away from cars towards two-wheeled vehicles in order to reduce chaos, congestion, and public safety concerns associated with the loss of a lane on Boylston Street. Yet, in June 2024, the City subsequently proceeded to launch the Boylston Street Better Bus and Bike Lane Project, which implemented both a bike lane on the left side of the street and a dedicated bus lane on the right side, while removing over 90 parking spaces. In February 2025, the City announced removal of the bus lane as it was not functioning as intended; *and*

WHEREAS, In a response letter in 2024 to Boston City Council Docket #0303 *Order for a hearing to review rules and regulations of vehicles in relation to expansion of micro mobility access*, a third-party delivery company indicated that due to the increased demand in food delivery, the City of Boston encouraged the use of two-wheeled delivery vehicles to decrease the number of cars on the road. Moreover, the company reported that they initiated a nine month pilot program to incentivize couriers to utilize two wheel delivery rather than four and to provide relief in Back Bay since 2022; *and*

WHEREAS, Since the outset of the pandemic city, state, and national officials have highlighted that third-party delivery companies do not classify drivers as employees, rather as independent contractors, further complicating efforts to hold companies accountable for their drivers' conduct; *and*

WHEREAS, Reports have noted that, through various ways, third-party delivery companies may potentially be incentivizing low-wage workers to prioritize speed over safety in order to receive more order assignments. With some companies, if contracted drivers do not make a delivery on time, their ratings drop, along with the potential for accounts taken down by the company; *and*

WHEREAS, Since that time, on a near daily basis, city residents have shared how these motorized vehicles, which can travel more than 20 mph, do not obey the rules of

the road - driving the wrong way on our streets, on sidewalks, speeding, running stop signs and red lights, weaving between vehicles at red lights, and posing an unpredictable danger to pedestrian safety. Over the past couple of years, the amount of mopeds, e-bikes and other two wheeled vehicles have tripled resulting in public safety and quality of life concerns for all residents and visitors, but especially our seniors, persons with disabilities, and young families; *and*

WHEREAS, While residents highlight the need for enforcement, the Boston Police Department continues to experience longstanding issues regarding staffing levels, mandatory overtime, overstretched resources, and looming retirements; *and*

WHEREAS, In April of 2025, the Boston City Council passed an Ordinance for Road Safety and Accountability for Delivery Providers. The ordinance, effective in October 2025, will require third-party delivery companies to maintain a valid permit from the City of Boston and report data to the Boston Transportation Department (BTD) including a unique identification number for each order and the type of vehicle used, and drivers to carry liability insurance if available, among others. Operators not in compliance with the ordinance will face a \$300 fine per day, per restaurant. In other cases, the BTD Commissioner may seek a court injunction; *and*

WHEREAS, While the Ordinance begins to establish rules and regulations governing the oversight of Third-Party Delivery Services in the City of Boston, without the capability to provide consistent enforcement for hundreds of operators at the same time at intersections throughout the city, the potential remains that many mopeds and e-bikes will continue to disregard rules of the road and create serious hazards for all users; *and*

WHEREAS, As the city is unrealistically able to provide the required enforcement to ensure that predictability on the road and that traffic laws are being adhered to, and that third-party delivery drivers on mopeds and e-bikes continue to consistently display unwillingness to follow the rules of the road with ruthless disregard for pedestrian and public safety while traveling at a high rate of speed - the City of Boston should instead restrict the use of mopeds and e-bikes for third-party food delivery; **NOW, THEREFORE**

Be it ordained by the City Council of Boston as follows:

Section 1.

The City of Boston Code, Ordinances, 17-22 is hereby amended by striking the following language from the definition for Third-Party Delivery Vehicle (“Vehicle”) under **17-22.2**

Definitions:

“motorized bicycles,” and “electric bicycles,” “motorized scooters,” “low-speed motor vehicles,” and “limited use motor vehicles”

Section 2.

The City of Boston Code, Ordinances, 17-22 is hereby amended by inserting the following language under **17-22.3 *Third-Party Delivery in the City of Boston***:

“No Third-Party Delivery Provider shall permit a Third-Party Delivery Operator to use motorized bicycles, electric bicycles, motorized scooters, low-speed motor vehicles, or limited use motor vehicles as defined by M.G.L. c. 90, § 1, to provide Third Party Delivery Services. The use of such vehicles shall constitute a violation and be subjected to penalties under this section.”

Section 3.

The City of Boston Code, Ordinances, 17-22 is hereby amended by striking the following language under **17-22.5 *Insurance (b)***:

“ii. Coverage for Operators using all modes of transportation for which registration is required by M.G.L. c. 90, § 1A, as well as electric bicycles and motorized bicycles;”

Section 4.

The City of Boston Code, Ordinances, 17-22 is hereby amended by inserting the following language after the first sentence of the second paragraph under **17-22.7 *Enforcement***:

“Such fines shall also apply to any Permitted Provider that is found to have violated this section while having a valid Permit.”

Section 2.

The provisions of this ordinance are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

Section 5.

The provisions of this ordinance shall take effect nine months after passage.

Filed on: September 17, 2025